

HOUSE No. 3077

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher G. Fallon

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the expansion of the bottle bill.

PETITION OF:

NAME:

Christopher G. Fallon

DISTRICT/ADDRESS:

33rd Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3329 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE EXPANSION OF THE BOTTLE BILL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (A) Chapter 94 of the General Laws, as so appearing, is hereby amended by striking out
2 sections 321 and 322 and inserting in place thereof the following two sections:-

3 Section 321. In sections 321 to 327, inclusive, the following definitions shall, unless the context clearly requires
4 otherwise, have the following meaning:

5 "Beverage", noncarbonated water including flavored water, fruit and vegetable juices and drinks, coffee and
6 tea drinks, sport drinks, soda water or similar carbonated soft drinks, mineral water, beer and other malt beverages,
7 and other alcoholic beverages as defined in chapter 138, but shall not include dairy products.

8 "Beverage container", any sealable bottle, can, jar, or carton which is primarily composed of glass, metal,
9 plastic or any combination of those materials and is produced for the purpose of containing a beverage. This
10 definition shall not include containers made of biodegradable material or less than 2.5 ounces. This definition shall
11 include containers of two gallon capacity or less for carbonated beverages, malt beverages and alcoholic beverages
12 as defined by chapter one hundred and thirty eight and less than one gallon for noncarbonated water including
13 flavored water, fruit and vegetable drinks, coffee and tea drinks, and sport drinks.

14 "Bottler", any person filling beverage containers for sale to distributors or dealers, including dealers who
15 bottle or sell their own brand of beverage.

16 "Consumer", any person who purchases a beverage in a beverage container for use or consumption with no
17 intent to resell such beverage.

18 "Dealer", any person, including any operator of a vending machine, who engages in the sale of beverages in
19 beverage containers to consumers in the commonwealth.

20 "Distributor", any person who engages in the sale of beverages in beverage containers to dealers in the
21 commonwealth including any bottler who engages in such sales.

22 "Label", a molded imprint or raised symbol on or near the bottom of a plastic product. "Plastic", any
23 material made of polymeric organic compounds and additives that can be shaped by flow.

24 "Plastic bottle", a plastic container that has a neck that is smaller than the body of the container, accepts a
25 screw type, snap cap or other closure and has a capacity of sixteen fluid ounces or more, but less than five gallons.

26 "Rigid plastic container", any formed or molded container, other than a bottle, intended for single use,
27 composed predominantly of plastic resin and having a relatively inflexible finite shape or form with a capacity of
28 eight ounces or more but less than five gallons.

29 "Reusable beverage container", any beverage container so constructed and designed that it is structurally
30 capable of being refilled and resold by a bottler at least ten times after its initial use.

31 Section 322. Every beverage container sold or offered for sale in the commonwealth shall have a refund
32 value of not less than five cents, except alcoholic beverages as defined by chapter 138 in beverage containers greater
33 than one pint, shall have a refund value of 15 cents. The provisions of this section shall not apply to such containers
34 sold by a distributor for use by a common carrier in the conduct of interstate passenger service.

35 (B) Section 323 of chapter 94 as so appearing is hereby amended by inserting after paragraph (i) the following two
36 paragraphs:-

37 (j) The handling fee will be increased from the current 2.25 cents to at least 3 cents per unit delivered to
38 distributors, and from 2.25 cents to at least 2.5 cents per unit picked up by distributors. Distributors will be
39 reimbursed by the Commonwealth \$0.004 cents for every unit redeemed. If distributors elect to pick up containers
40 from redemption centers, they will need to pick up containers at the redemption center no less frequently than once
41 per week, unless the redemption center agrees to a less frequent pickup schedule.

42 (k) The Executive Office of Environmental Affairs will convene a multi-stakeholder committee to evaluate
43 the potential for illegal redemption of deposit containers (sold out of state with no deposit collected), and identify
44 strategies to deter illegal redemption including more stringent enforcement and higher penalties. The Executive
45 Office of Environmental Affairs will promulgate regulations within six months of the bills passage to implement
46 new strategies to reduce illegal redemption.